

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Garnett Moore, #256818,)	
)	C/A No. 4:06-2499-MBS-TER
Plaintiff,)	
)	
vs.)	OPINION AND
)	ORDER
Jeannie Ruthledge, Bobby Olsen,)	
Jon Ozmint, and Richard Bazzle,)	
)	
Defendants.)	
_____)	

Plaintiff Garnett Moore is a prisoner in the custody of the South Carolina Department of Corrections (“SCDC”) and is currently housed at the Perry Correctional Institution. Plaintiff, appearing *pro se*, brings the captioned action pursuant to 42 U.S.C. § 1983 to challenge the constitutionality of conditions of his confinement. Specifically, Plaintiff alleges that the staff of the Perry Correctional Institution provided inadequate medical care to his fellow inmates and himself. (Compl. at 4.) He also alleges that his grievances were “unprocess[ed].” (*Id.*) Plaintiff requests relief in the form of monetary damages for his pain and suffering and that the court order SCDC to ensure “better healthcare and medical attention and the chain of comman [sic] is followed in time of health emergency.” (Compl. at 5 (errors in original).)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. The Magistrate Judge reviewed the *pro se* complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act of 1996. The Magistrate Judge filed a Report and Recommendation on October 30, 2006. (“Report and Recommendation.”) The Magistrate Judge recommended that Plaintiff’s complaint be summarily dismissed without prejudice and without issuance and service

of process. (Report and Recommendation at 7.) The Magistrate Judge found that Plaintiff failed to state a claim under Section 1983 because he did not allege deliberate indifference by the staff of Perry Correctional Institution in their provision of medical care. The Magistrate Judge also found that to the extent Plaintiff seeks to recover damages or other relief on behalf of other prisoners, his claim fails because *pro se* litigants may not represent the interests of other *pro se* litigants in federal court. The Magistrate Judge also found that Plaintiff failed to state a claim with respect to the alleged failure to process SCDC grievances because there is no federal constitutional right to an inmate grievance system. Finally, the Magistrate Judge found that relief in the form of ordering SCDC to ensure “better healthcare and medical attention” was unavailable because a federal court may not issue a writ of mandamus against a state official or employee.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

On November 7, 2006, Plaintiff filed objections to the Report and Recommendation. (“Plaintiff’s Objections.”) In his objections, Plaintiff generally discusses his concern about the fees he was charged for filing this action and reiterates the allegations of his complaint. Plaintiff makes no specific objection to the Report and Recommendation. The court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a

specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). After thorough review of the Report and Recommendation, the Plaintiff's Objections, the record, and applicable law, the court concurs with the Magistrate Judge's Report and Recommendation and incorporates it by reference. Accordingly, Plaintiff's complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Margaret B. Seymour
Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 6, 2008.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.